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JESSICA L. PORTER  
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TOWN OF DEDHAM

MAR 31 2016

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## TOWN OF DEDHAM ZONING BOARD OF APPEALS DECISION

<b>Applicant:</b>	CLW Operating Partners, LLC, 57 Upland Road, Brookline, MA 02445
<b>Property Address:</b>	585 High Street, Dedham, MA
<b>Case #:</b>	VAR-02-16-2071
<b>Property Owner:</b>	Washington High, LLC
<b>Map/Lot, Zoning District:</b>	92/65, Central Business
<b>Application Date:</b>	February 18, 2016
<b>Present and Voting:</b>	J. Gregory Jacobsen, Scott M. Steeves, E. Patrick Maguire, LEED AP, Jason L. Mammone, P.E., Jessica L. Porter
<b>Representative:</b>	Chris Lutes, CLW Operating Partners, LLC
<b>Legal Notice:</b>	To be allowed such Special Permits as necessary for a full service restaurant (i.e., a use requiring a common victualler license) with seating for 105 patrons and a change of use.
<b>Section of Zoning Bylaw:</b>	Town of Dedham Zoning Bylaw Sections 3.1, 3.3, 9.2, 9.3, and Table 1.E.8
<b>DATE FILED WITH TOWN CLERK:</b>	<b>MARCH 30, 2016</b>

The Zoning Board of Appeals ("ZBA") of the Town of Dedham, Massachusetts held public hearings on Wednesday, March 16, 2016, in the Town Office Building, 26 Bryant Street, Dedham, MA. Present were members of the Zoning Board of Appeals, J. Gregory Jacobsen, Acting Chairman, E. Patrick Maguire, LEED AP, and Jason L. Mammone, P.E. The hearings were duly advertised for this meeting of the ZBA in accordance with the requirements of MGL Chapter 40A, Section 11. Legal ads were placed for two consecutive weeks in *The Dedham Times*. In addition, abutters within 300 feet of the property in question received notification of the hearings, and notification regarding each hearing was sent to the neighboring towns (Boston,

Needham, Canton, and Westwood). Copies of all plans referred to in this decision and a detailed record of the Zoning Board of Appeals proceedings are filed in the Dedham Planning/Zoning Department.

At 7:00 p.m., the Acting Chairman called for the hearing on the petition of CLW Operating Partners, LLC, 57 Upland Road, Brookline, MA. The Applicant seeks to be allowed such special permits as necessary for a full service restaurant (i.e., a use requiring a common victualler license) with seating for 105 patrons and a change of use. The property is located at 585 High Street, Dedham, MA, and is in the Central Business Zoning District. The Applicant was represented by Chris Lutes, proposed owner of restaurant. The minutes from the hearing are the primary source of evidence and are incorporated herein by reference. *Town of Dedham Zoning By-Law Sections 3.1, 3.3, 9.2, 9.3 and Table 1.*

The subject property is known and numbered as 585 High Street, Dedham, MA and is shown on Dedham Assessors' Map 92, Lot 65. The certified plot plan indicates that the Subject Property contains 5,162 square feet of land and has 88.6 feet of frontage on Washington Street and 65.76 feet of frontage on High Street. According to the Dedham Zoning Map, the Subject Property is located in the Central Business zoning district. Currently, the property is occupied by retail stores on the first floor and offices on the second floor. According to the records maintained by the Dedham Board of Assessors, the dwelling was constructed in 1924.

At the time of the hearing, there were only three voting members of the Zoning Board of Appeals, with Chairman James F. McGrail recusing himself because he is the attorney for the owner of the property. The hearing was therefore continued to Thursday, March 24, 2016.

The Zoning Board of Appeals ("ZBA") of the Town of Dedham, Massachusetts held public hearings on Thursday, March 24, 2016, in the Town Office Building, 26 Bryant Street, Dedham, MA. Present were members of the ZBA, Acting Chairman J. Gregory Jacobsen, Scott M. Steeves, E. Patrick Maguire, LEED AP, and Jason L. Mammone, P.E. Chairman James F. McGrail again recused himself because he is the attorney for the owner of the property. The Acting Chairman appointed Associate Member Jessica L. Porter to sit in his stead.



The hearings were duly advertised for this meeting of the ZBA in accordance with the requirements of MGL Chapter 40A, Section 11. Legal ads were placed for two consecutive weeks in *The Dedham Times*. In addition, abutters within 300 feet of the property in question received notification of the hearings, and notification regarding each hearing was sent to the neighboring towns (Boston, Needham, Canton, and Westwood). Copies of all plans referred to in this decision and a detailed record of the Zoning Board of Appeals proceedings are filed in the Dedham Planning/Zoning Department.

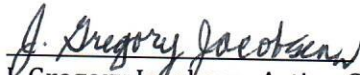
At 7:13 p.m., the Acting Chairman called for the hearing on the petition of CLW Operating Partners, LLC, 57 Upland Road, Brookline, MA. The Applicant seeks to be allowed such special permits as necessary for a full service restaurant (i.e., a use requiring a common victualler license) with seating for 105 patrons and a change of use. The property is located at 585 High Street, Dedham, MA, and is in the Central Business Zoning District. *Town of Dedham Zoning By-Law Sections 3.1, 3.3, 9.2, 9.3 and Table 1.*

The applicant wants to open a restaurant at the former Wardles Drug store with capacity for a maximum of 105 patrons; however, seating will be 85. He also needs a Special Permit for change of use. They will operate on the first floor with seating, a kitchen, and a handicapped bathroom. The basement will have storage, food preparation, and non-handicapped bathrooms. There is a vacant space next to the restaurant, and the plan is to use that as a private dining room or a wine storage room with a glass window and seating. The tenants on the second floor of the building will remain. The improvements made to the corner location are triggering the Architectural Access Board law, which will force the landlord to either make accessible renovations throughout his building or seek variances. This is in process. The applicant hopes to have a roll top door with open air access to walk in and out; this is not clear, and will be determined by the Board of Health. The second egress is to an alley at the back of the building that leads to Washington Street. Deliveries will be in the back alley. A petition with about 150 signatures in favor of the proposal was presented to the Board. They hope to open in the fall.


Upon motion being duly made by Scott M. Steeves and seconded by Jessica L. Porter, the ZBA voted unanimously (5-0) to grant and approve such special permits as required for a full service restaurant (i.e., a use requiring a common victualler license) with occupancy for 105 patrons and a change of use. In granting said special permit, the ZBA finds that the adverse effects of Applicant's proposal will not outweigh its beneficial impacts on the Town and neighborhood.

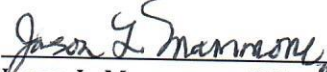
Applicant is advised that, in accordance with MGL Chapter 40A, Section 11, no special permit shall take effect until a copy of this decision bearing the certification of the Dedham Town Clerk that twenty days have elapsed after the decision has been filed with the Dedham Town Clerk and no appeal has been filed or that an appeal has been filed within such time shall be recorded in the Norfolk County Registry of Deeds or the Land Registration Office of Norfolk County.

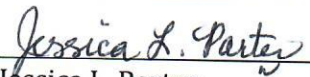
Dated: March 24, 2016

  
J. Gregory Jacobsen, Acting Chairman

  
Scott M. Steeves

  
E. Patrick Maguire, LEED AP

  
Jason L. Mammone, P.E.

  
Jessica L. Porter

Attest, by the Administrative Assistant:

  
Susan N. Webster

**Materials Submitted:**

- ZBA application
- Petition letter prepared by Chris A. Lutes, applicant
- Letter of Authorization from Peter H. Reynolds, Washington High, LLC
- Certified Plot Plan dated October 30, 1971
- Plan of Building dated August 1981

- Aerial photograph of location
- First Floor and Basement Plans prepared by Sorensen Partners, Architects and Planners, Inc.
- Signatures in Support of Petition